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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/613,428 | 07/03/2003 | Kevin X. Zhang | 42P13001C | 5164 |
| 8791 | 7590 | 04/01/2004 | EXAMINER | |
| BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025 | | | NGUYEN, TAN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2818 | |

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|---|
| Office Action Summary | Application No. 10/613,428 | Applicant(s) ZHANG ET AL. | |
| | Examiner Tan T. Nguyen | Art Unit 2818 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/03, 10/03</u> . | 6) <input type="checkbox"/> Other: _____ |

1. The Preliminary amendment filed by Applicant on July 3, 2003 has been received and entered.
2. The Information Disclosure Statements submitted by Applicant on July 3, 2003 and October 20, 2003 have been received and fully considered.
3. Claims 1-24 have been canceled
New claims 25-46 have been added.
4. The disclosure is objected to because of the following informalities:

Claims 44 and 45 are exactly the same.

Appropriate correction is required.
5. The drawings submitted by Applicant on July 3, 2003 have been received.
6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).
Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).
7. Claims 25-46 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 and 13-20 of U.S. Patent No. 6,621,726. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of U.S. Patent 6,621,726 recites a memory cell

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having similar elements and connection to the memory in claim 1 of the present invention, which includes a first PMOS transistor, a first NMOS transistor coupled to the first PMOS transistor, a second PMOS transistor, a second NMOS transistor coupled to the second PMOS transistor, a first storage node coupled between the first PMOS transistor and the first NMOS transistor, a second storage node coupled between the second PMOS transistor and the second NMOS transistor. The only difference between claim 1 of U.S. Patent No. 6,621,726 from claim 1 of the present application is a forward bias voltage is applied to the first and second PMOS transistors in a standby mode instead of a reverse bias voltage is applied to the first and second PMOS transistors in a read mode. However, claim 3 of the U.S. Patent No. 6,621,726 recites the reverse bias voltage is applied to the first and second PMOS transistors in the read mode.

Claims 4, 1-2 of U.S. Patent No. 6,621,726 recite the same limitations in claims 26-28 of the present application, respectively.

Claims 13-20 of U.S. Patent No. 6,621,726 recite similar limitations in claims 29-36 of the present application, respectively.

Regarding claims 37-41, claims 1-4 of U.S. Patent No. 6,621,726 recite similar elements and connections of claims 37-41. The first and second PMOS transistors would be understood as the claimed first and second load and access transistors, the first and second NMOS transistors would be understood as the claimed first and second body transistors.

Regarding the method claims 43-46, claims 1-4 of U.S. Patent No. 6,621,726 recite how the forward bias voltage and reverse bias voltage are applied to the memory cells in standby mode and read mode.

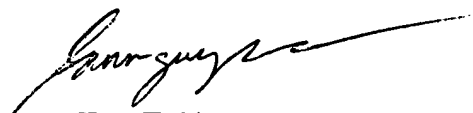
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kawashima is cited to show an SRAM device having back-bias voltage supply circuit. Houston and Van Der Sanden are cited to show different types of SRAM.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan T. Nguyen whose telephone number is (571) 571-1789. The examiner can normally be reached on Monday to Friday from 07:00 AM to 03:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Nelms, can be reached at (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan T. Nguyen
Primary Examiner
Art Unit 2818
March 25, 2004